



Substitute Senate Bill No. 1089

Public Act No. 07-243

AN ACT CONCERNING THE RELEASE, SALE AND ACCURACY OF CONVICTION INFORMATION, THE ISSUANCE OF A REARREST WARRANT OR CAPIAS FOR FAILURE TO APPEAR, THE DUTIES OF BOARDS OF DIRECTORS AND EXECUTIVE BOARDS OF CONDOMINIUMS AND OTHER COMMON INTEREST COMMUNITIES, AND THE DEFINITION OF COMMUNITY ASSOCIATION MANAGER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 31-51i of the general statutes is amended by adding subsection (h) as follows (*Effective February 1, 2008*):

(NEW) (h) (1) For the purposes of this subsection: (A) "Consumer reporting agency" means any person who regularly engages, in whole or in part, in the practice of assembling or preparing consumer reports for a fee, which reports compile and report items of information on consumers that are matters of public record and are likely to have an adverse effect on a consumer's ability to obtain employment, but does not include any public agency; (B) "consumer report" means any written, oral or other communication of information bearing on an individual's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living; and (C) "criminal matters of public record" means information obtained from the Judicial Department relating to arrests, indictments,

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convictions, erased records, pardons and outstanding judgments, and any other conviction information, as defined in section 54-142g.

(2) Each consumer reporting agency that issues a consumer report that is used or is expected to be used for employment purposes and that includes in such report criminal matters of public record concerning the consumer shall:

(A) At the time the consumer reporting agency issues such consumer report to a person other than the consumer who is the subject of the report, provide the consumer who is the subject of the consumer report (i) notice that the consumer reporting agency is reporting criminal matters of public record, and (ii) the name and address of the person to whom such consumer report is being issued;

(B) Access the conviction information available to the public on the Internet web site of the Judicial Department to verify, as of the date the consumer report is issued, the accuracy of any criminal matters of public record contained in the consumer report;

(C) Maintain procedures designed to ensure that any criminal matter of public record reported is complete and up-to-date as of the date the consumer report is issued.

(3) This subsection shall not apply in the case of an agency or department of the United States government seeking to obtain and use a consumer report for employment purposes if the head of the agency or department makes a written finding pursuant to 15 USC 1681b(b)(4)(A).

Sec. 2. Section 54-142k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Each person or agency holding conviction information or nonconviction information shall establish reasonable hours and places

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of inspection of such information.

(b) Each person or agency holding conviction information or nonconviction information shall (1) update such information promptly whenever related criminal history record information is erased, modified or corrected or when a pardon is granted; and (2) post on any conviction information or nonconviction information available to the public a notice that the criminal history record information may change daily due to erasures, corrections, pardons and other modifications to individual criminal history record information and that the person or agency cannot guarantee the accuracy of the information except with respect to the date the information is disclosed or obtained.

[(b)] (c) Conviction information shall be available to the public for any purpose.

[(c)] (d) Nonconviction information shall be available to the subject of the information and to [such person's] the subject's attorney pursuant to this subsection and subsection [(d)] (e) of this section. Any person shall, upon satisfactory proof of [his] the person's identity, be entitled to inspect, for purposes of verification and correction, any nonconviction information relating to [him] the person and upon [his] the person's request shall be given a computer printout or photocopy of such information for which a reasonable fee may be charged, provided no erased record may be released except as provided in subsection (f) of section 54-142a. Before releasing any exact reproductions of nonconviction information to the subject of the information, the agency holding such information may remove all personal identifying information from such reproductions.

[(d)] (e) Any person may authorize, in writing, an agency holding nonconviction information pertaining directly to [such] the person to disclose such information to [his attorney-at-law] the person's

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attorney. The holding agency shall permit such attorney to inspect and obtain a copy of such information if both [his] the attorney's identity and that of [his] the attorney's client are satisfactorily established, provided no erased record may be released unless [such] the attorney attests to [his] such attorney's client's intention to challenge the accuracy of such record.

[(e)] (f) Any person who obtains nonconviction information by falsely representing to be the subject of the information shall be guilty of a class D felony.

Sec. 3. (NEW) (*Effective October 1, 2007*) Unless good cause is shown, no court shall issue a rearrest warrant or a capias for failure to appear as provided in section 53a-173 of the general statutes prior to four o'clock p.m. of the day of the alleged failure to appear.

Sec. 4. Section 47-80a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Except to the extent prohibited by the condominium instruments, and subject to any restrictions and limitations specified therein, the unit owners' association, whether incorporated or unincorporated, shall have the power to: (1) Employ, dismiss and replace agents and employees to exercise and discharge the powers and responsibilities of the association; (2) make or cause to be made additional improvements on and as a part of the common elements; (3) grant or withhold approval of any action by one or more unit owners or other persons entitled to occupancy of any unit which would change the exterior appearance of any unit or of any other portion of the condominium, or elect or provide for the appointment of an architectural control committee [.] to grant or withhold such approval; (4) acquire, hold, convey and encumber title to real property, including, but not limited to, condominium units and the common elements appurtenant thereto, recreation facilities and personal

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property; (5) sue and be sued in any court, [;] appear on behalf of all unit owners before any officer, agency, board, commission or department of the state or any political subdivision thereof and appeal from any judgments, orders, decisions or decrees rendered by the same; and (6) [to] grant easements through the common elements and accept easements benefiting the condominium or any portion thereof. The foregoing enumeration of powers shall not be construed to prohibit the grant by the condominium instruments of other powers and responsibilities to the unit owners' association, [nor] or to divest a unit owners' association incorporated as a stock corporation under chapter 601 or any predecessor statutes thereto, or as a nonstock corporation under chapter 602 or any predecessor statutes thereto, of any powers which it may exercise thereunder.

(b) Notwithstanding any provision of the condominium instruments to the contrary, at any meeting of the unit owners to consider the final adoption or ratification of any proposed budget for the condominium, or on a day prior to such meeting, the board of directors shall provide a reasonable opportunity for all unit owners to express their views concerning the proposed budget before its adoption or ratification. At least one copy of the proposed budget shall be available for inspection at such meeting.

Sec. 5. Subsection (b) of section 47-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) (1) Records maintained by the declarant, by the association or by the manager, including, but not limited to, minutes of meetings and voting records of the board of directors, shall be made available for examination and copying by any unit owner, [his] or the unit owner's duly authorized [agents or attorneys] agent, at the expense of the unit owner, during normal business hours [and after reasonable notice] upon the request of such unit owner or agent.

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(2) Notwithstanding any provision of the condominium instruments to the contrary, at least fourteen days prior to entering into any loan agreement on behalf of the association of unit owners, the board of directors shall (A) disclose in writing to all unit owners the amount and terms of the loan and the estimated effect of such loan on any assessment for common expenses, and (B) afford the unit owners a reasonable opportunity to submit written comments to the board of directors with respect to such loan.

Sec. 6. Subsection (c) of section 47-245 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(c) [Within] Notwithstanding any provision of the declaration or bylaws to the contrary, within thirty days after adoption of any proposed budget for the common interest community, the executive board shall provide a summary of the proposed budget to all the unit owners and shall set a date for a meeting of the unit owners to consider ratification of the proposed budget not less than fourteen [nor] or more than thirty days after hand-delivery or mailing of the summary. At such meeting, or on a day prior to such meeting, the executive board shall provide a reasonable opportunity for all unit owners to express their views concerning the proposed budget before its ratification. At least one copy of the proposed budget shall be available for inspection at such meeting. Unless at [that] such meeting a majority of all unit owners, or any larger vote specified in the declaration, reject the proposed budget, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected, the periodic budget last ratified by the unit owners shall be continued until such time as the unit owners ratify a subsequent budget proposed by the executive board as provided in this subsection.

Sec. 7. Section 47-260 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The association shall keep financial records sufficiently detailed to enable the association to comply with section 47-270. All accounting, financial and other books and records of the association, including, but not limited to, minutes of meetings and voting records of the executive board, shall be made reasonably available by the executive board or a managing agent of the association for examination and copying by any unit owner, [and his] or the unit owner's authorized [agents] agent, upon the request of such unit owner or agent.

(b) Notwithstanding any provision of the declaration or bylaws to the contrary, at least fourteen days prior to entering into any loan agreement on behalf of the association, the executive board shall (1) disclose in writing to all unit owners the amount and terms of the loan and the estimated effect of such loan on any common expense assessment, and (2) afford the unit owners a reasonable opportunity to submit written comments to the executive board with respect to such loan.

Sec. 8. Section 20-450 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

As used in sections 20-450 to 20-462, inclusive, unless the context otherwise requires:

(1) "Association" means (A) an association, as defined in section 47-202, and an association of unit owners, as defined in section 47-68a and in section 47-68 of the general statutes, revision of 1958, revised to January 1, 1975, and (B) the mandatory owners organization of any common interest community, as defined in section 47-202, which community was not created under chapter 825 or 828 or under chapter 825 of the general statutes, revision of 1958, revised to January 1, 1975. "Association" does not include an association of a common interest

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community which contains only units restricted to nonresidential use;

(2) "Community association manager" means a person who provides association management services, and includes any partner, director, officer, employee or agent of such person who directly provides association management services on behalf of such person;

(3) "Association management services" means services provided to an association for remuneration, including one or more of the following: (A) Collecting, controlling or disbursing funds of the association or having the authority to do so; (B) preparing budgets or other financial documents for the association; (C) assisting in the conduct of or conducting association meetings; (D) advising or assisting the association in obtaining insurance; (E) coordinating or supervising the overall operations of the association; and (F) advising the association on the overall operations of the association. Any person licensed in this state under any provision of the general statutes or rules of court who provides the services for which [he] such person is licensed to an association for remuneration [,] shall not be deemed to be providing association management services. Any director, officer or other member of an association who provides services specified in this subdivision to the association of which he or she is a member shall not be deemed to be providing association management services unless such director, officer or other member owns or controls more than two-thirds but less than all of the votes in such association;

(4) "Commission" means the Connecticut Real Estate Commission appointed under the provisions of section 20-311a;

(5) "Department" means the Department of Consumer Protection; and

(6) "Person" means an individual, partnership, corporation, limited liability company or other legal entity.

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Approved July 11, 2007